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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,640

04/15/2004

Ann Davis

4150.70202

9017

24978

7590

09/02/2005

GREER, BURNS & CRAIN
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EXAMINER

PATEL, TAJASH D

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/825,640

Applicant(s)

DAVIS, ANN

Examiner

Tejash D. Patel

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7-10,12-14,17-19,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 7-10, 12-14, 17-19, and 22-2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-4, 7-10, 12-14, 17-19, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boersema (US 6,708,342) in view of Grilliot et al. (US 5,729,832). Boersema discloses an infant article of clothing (150) with elbow protection device including soft, flexible padding covering/insert (152a) and knee protection device including soft, flexible padding covering/insert (158) that creates a stable traction when crawling, col. 4, lines 61-64. Further, the soft padding includes a sufficient quantity of fabric materials as shown in figures 5 and 6. In addition, the respective elbow and knee padding inserts are positioned within the receiving elbow (15,16) and knee (4,5) pockets as shown in figure 4.

Additionally, Boersema discloses the infant garment having coefficient of friction/traction device (157,161) being defined as a plurality of rubberized ribs (113) that are incorporated into an outer surface of the knee/elbow areas, col. 5, lines 16-45 and the soft padding being a sealed soft liquid gel material, col. 5, line 15. In addition, the clothing has a padded foot cover. col. 4, lines 49-65 with having traction devices (156, 157) as shown in figure 4. However, Boersema does not show the receiving elbow and knee pockets having a secure tab/flap with removable inserts therewithin.

Grilliot et al. (hereinafter Grilliot) discloses an article of clothing (1,2) with elbow protection device including soft padding covering/insert (20b) and knee protection device including soft padding covering/insert (9b) for protecting the knees when crawling, col. 1, lines 39-41. Further, the soft padding includes a sufficient quantity of fabric materials, col. 3, lines 42-49. In addition, the respective elbow and knee padding inserts are removable from receiving elbow (15,16) and knee (4,5) pockets as shown in figure 1. Additionally, a secure tab/flap (10, a, 10b, 21a, 21b) having hook and loop material secures the insert within the elbow and knee pockets, respectively, col. 4, lines 12-15 and as shown in figure 1.

It would have been obvious to one skilled in the art at the time the invention was made to provide the receiving elbow and knee pockets of Boersema with a secure tab/flap for securing removable inserts therewithin as taught by Grilliot so that worn or damaged inserts can be easily replace/removed or as required for a particular application thereof.

Response to Arguments

3. The arguments and amendment filed on July 25, 2005 has been considered and duly noted. In view of such, a new ground of rejection has prompted this office action to be made new-non final. Further, the arguments are moot in view of this newly applied prior art. (see rejection above).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993. The fax phone number for this group is (571) 273-8300.

August 23, 2005



**TEJASH PATEL
PRIMARY EXAMINER**